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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,389	08/23/2000	Edward F. Kachnic	2000-1220-RA	1510

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EXAMINER

CABRERA, ZOILA E

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 03/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,389

Applicant(s)

KACHNIC ET AL.

Examiner

Zoila E. Cabrera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10, 13, 14, 16-22 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10, 13, 14, 16-22 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 8, 9, 10, 13, 14, 16, 17, 18, 19, 20, 21 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 8-10, 13-14, 16, 22, 25-33 are rejected under 35 U.S.C. 102(e) as being anticipated by **Choi (US 6,275,741)**.

Choi discloses an integrated controller comprising a machine controller and sensory electronics, (Fig. 4, elements 44, 248, 426, 430) for use with an injection-molding machine (Col. 2, lines 49-54), comprising:

With respect to claims 8 and 16

- a computer having a data interface (Fig. 1, element 24 and 44);

a program for analyzing data from the sensory electronics and controlling the injection-molding machine and the sensory electronics in response to the sensory electronics data (Col. 3, lines 1-5); and means for displaying information, said display means being in communication with said computer (Fig. 1, elements 38 and 44; Col. 4, lines 60-67), wherein the sensory electronics are functionally communicatable with said data interface of said computer (Fig. 1, elements 12, 14 20, 22 and 44; Fig. 4, elements 406, 44, 24) and wherein the injection-molding machine is functionally communicatable with said data interface of said computer (Fig. 1, injection molding machine 10 and a general purpose computer 44); sensory electronics in communication with said data interface of said computer, said sensory electronics outputting sensory data to said computer via said data interface (Fig. 4, elements 406, 24, 44).

As for claims 9-10, 13-14, 22, 31-33, **Choi** discloses,

- said data interface of said computer is a bus (Fig. 1, field bus 24);
- said data interface of said computer is a port (Fig. 1, field bus 24; Col. 8, lines 53-55 and line 57);
- wherein said computer has a first data interface and a second data interface (Fig. 1, elements 24 and 26), wherein the sensory electronics are functionally communicatable with said first data interface of said computer (Fig. 1, elements 12, 14, 20, 22 and 24; Fig. 4, element 406, 24 and 44), and wherein the part-

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forming machine is functionally communicatable with said second data interface of said computer (Fig. 1, elements 44, 10 and 26);

- said display device is a monitor (Col. 4, lines 59-60 and lines 65-67);

Regarding claims 25-27, **Choi** discloses,

- the method of integrated control of a part-forming machine, comprising the steps of:

having at least one user-interface and using integrated sensory electronics to collect data regarding the condition of the part-forming machine (Fig. 1, elements 30, 38, 36, 32, 34; Col. 4, lines 58-67);

communicating said data with a computer having a program to analyze said data and to generate data commands for controlling the part-forming machine (Col. 6, lines 14-23; fig. 1, elements 30, 44 and 10; Col. 10, lines 35-39; Col. 9, lines 55-60); and

communicating said data commands to the part-forming machine (Fig. 1, elements 44, 26, 10; Col. 3, lines 1-5; Col. 9, lines 65-66; Fig. 3, elements 308, 316, 10);

using an integrated machine controller and integrated sensory electronics to collect data regarding the condition of the part-forming machine (Fig. 1, elements 44, 12, 14, 20, 22; Fig. 4, elements 406, 44; Col. 10, lines 18-20)

- further comprising the step of utilizing an integrated machine controller to control the part-forming machine (Fig. 4, machine controller 44);

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As for claims 28-30, **Choi** further discloses,

- an integrated controller, having machine controller, sensory electronics and a user-interface, for use with a part-forming machine, comprising:
 - a computer having a data interface (Fig. 1, element 24);
 - sensory electronics in communication with said data interface of said computer, said sensory electronics outputting sensory data to said computer via said data interface (Fig. 1, elements 12-22, 24, 44; Col. 9, lines 22-25);
 - a program for analyzing said sensory data from said sensory electronics and controlling the part-forming machine and said sensory electronics in response to said sensory data (Fig. 4, elements 44, 24, 406, 402; Col. 10, lines 35-39; Fig. 3; Col. 9, lines 54-67)); and
 - means for displaying information, said display means in communication with said computer (Fig. 1, elements 30 and 44),
- wherein said sensory electronics functionally communicate with said data interface of said computer, wherein said sensory electronics are capable of determining the presence and/or absence and quality of the formed part (Col. 4, lines 42-51; Col. 10, lines 16-28; Col. 1, lines 35-40), and wherein the injection-molding machine is functionally communicatable with said data interface of said computer (Fig. 1, elements 10, 24, 44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Choi (US 6,275,741)** in view of **Maus et al. (US 6,024,902)**.

Choi discloses the limitations of claim 16 above but fails to specifically disclose:

Regarding claims 17-20,

- said sensory electronics is at least one vision sensor;
- said sensory electronics is at least one infrared sensor;
- said sensory electronics is at least one air pressure sensor;
- said sensory electronics is at least one vacuum sensor.

However, **Maus** discloses such limitations as follows:

- said sensory electronics is at least one vision sensor (Col. 23, lines 37-45);
- said sensory electronics is at least one infrared sensor (Col. 21, line 18; Col. 20, line 65);
- said sensory electronics is at least one air pressure sensor (Col. 13, lines 4-5);
- said sensory electronics is at least one vacuum sensor (Col. 9, lines 9-29, i.e. it is inherent that there is a vacuum sensor in a vacuum-deposition chamber).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Choi** with the injection

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molding system of **Maus** because it would provide with a full automated method and apparatus with improved quality products, (**Maus**, Col. 1, lines 18-20 and lines 27-31).

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Choi (US 6,275,741)** in view of **Joseph (US 5,891,383)**.

Choi discloses the limitations of claim 16 above but fail to disclose said sensory device is at least one ultrasonic sensor. However, **Joseph** discloses such limitation (Col. 2, lines 53-56). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Choi** with the system of **Joseph** because it would allow to have a more efficient control system by including an ultrasonic sensor as taught by **Joseph**.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

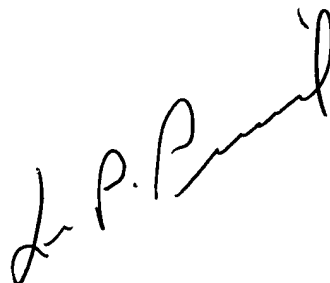
Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. Additionally, the fax phones for Art Unit

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2121 are (703) 308-6306 or 308-6296. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera
Patent Examiner
3/12/02

A handwritten signature in black ink, appearing to read "L. P. Picard", written diagonally across the page.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**